

Remarks

Initially, it should be noted that this amendment and response is being resubmitted in response to a notice of non-compliance. The claim status has been changed from previously amended to previously presented, and from previously canceled to canceled. Applicants assert that the status for each claim is now in compliance.

Claims 1-19, 22, and 25 are currently pending and stand rejected under 35 USC 103(a). Claims 1 and 11 are objected to. Claims 1, 9-11, 18, 19, 22, and 25 have been amended. Applicants assert that the claims are now in condition for allowance as set forth more fully below.

Drawings

Initially, Applicants point out that the action summary stated that the drawings were objected to, but the undersigned has found no discussion of drawing objections in either the present office action or any that preceded it. Applicants request that an explanation of the objection be provided so that it can be adequately addressed. Applicants note the informal nature of the drawings and assert that formal drawings will be submitted upon allowance of the claims.

103 Rejections

Claims 1-19, 22, and 25 are currently pending and stand rejected under 35 USC 103(a). Specifically, claims 1-4, 7-13, 16-19, 22, and 25 are rejected under 35 USC 103(a) as being unpatentable over Rutkowski (US Pat 5,826,270) in view of obviousness or in view of Ulrich (US Pat 5,583,937). Claims 5-7, and 14-15 are rejected under 35 USC 103(a) as being unpatentable over Rutkowski in view of Peters (US Pat 5,696,906) and Field Centrix. Applicants respectfully traverse these rejections.

Claims 1-10 and 22

The Office Action has stated that Rutkowski discloses all the elements of claim 1 except for possibly a list of products, services, or features that are displayed automatically. However, the Office Action states that Rutkowski could display current

promotions taken from the database of customer information, which is considered a list of products, services, or features. The Office Action states that based on this disclosure, it would have been obvious to display the list as claimed.

The Office Action states that in the alternative, Ulrich teaches the display of a menu of products automatically and provides blockage of ordering and parental controls which is seen to be equivalent to customer type as claimed. The Office Action states that it would have been obvious to combine this disclosure of Ulrich with Rutkowski to display the list of produces based on customer type.

Claim 1 recites, among other features, a computer accessible by the technician at the location requested by the customer that is configured to initiate a communication with the company via a communications network when the technician receives a request from the customer for a transaction different from the problem and enters an identity of the customer in the computer. The computer is further configured to submit the identity of the customer in the initiated communication, receive customer information including a customer type via the communications network in response to the submission, select one or more items corresponding to the received customer type from a set of items, provide a list of the one or more selected items, receive a selection corresponding to the received request from the customer from the one or more items, and communicate the received to the dispatch division over the communications network.

By basing the one or more items in the list on the customer type that has been received over the network, this avoids a selection from the list that is not appropriate for the type of customer. Neither Rutkowski nor Ulrich disclose these elements recited in claim 1. Rutkowski does not discuss variation in customer type and a variation in available items such as products or services based on the customer type. Indeed, the Office Action appears not to address any disclosure of Rutkowski whereby customer type is obtained from the network and then the computer in use by the technician selects the items to be provided for selection based on this customer type. Rutkowski's discussion relative to FIG. 6 and discussion of promotions fails to discuss the computer applying such logic before providing any type of list to the technician. Accordingly, Rutkowski alone fails to render claim 1 obvious.

Ulrich also fails to teach these elements. Ulrich discloses a converter box 14 that a customer interacts with to make purchases. The citation to Ulrich reveals that the customer may make a selection from a menu of options. However, the converter box 14 may block the completion of the order due to credit limits or due to parental controls. There has been found no discussion of the converter box 14 receiving a customer identity and then submitting that over the network and receiving a customer type from the network in response. Furthermore, there has been found no discussion of the converter box 14 making a selection of items to provide for selection by the customer based on a customer type received from the network. Providing all options for selection, receiving an order of an option, and then deciding to disallow the order due to a parental block or credit limit is not equivalent to determining what items to provide for selection first, then receiving the order from the list of items and completing the order. For example, in the case of Ulrich, the customer will likely be frustrated that an option was presented and then subsequently disallowed prior to service delivery. For the sake of argument, even if Ulrich pre-selected the items to present to the customer for selection, there still has been found no discussion of making this decision based on a customer type received from a network. Accordingly, claim 1 is allowable over the attempted combination of Rutkowski with Ulrich.

In addition to Ulrich not teaching the elements recited in claim 1, there is also no motivation to combine Ulrich with Rutkowski. Ulrich discloses customers utilizing converter boxes 14 to initiate orders all by themselves, as opposed to customers interacting with an on-site technician to initiate an order resulting from the technician being present. Therefore, one of skill looking to find a reference that involves providing a customer type during an on-site technician initiated communication would not be motivated to look toward Ulrich since Ulrich appears to be based on customer activity aside from any initiation by an on-site technician. Accordingly, claim 1 is allowable over the attempted combination of Rutkowski with Ulrich for this additional reason.

Claims 2-10 and 22 depend from an allowable claim 1 and are also allowable for at least the same reasons.

Claims 11-19 and 25

Claim 11 recites similar features as claim 1 and is considered allowable for at least the same reasons. Claims 12-19 and 25 depend from an allowable claim 11 and are also allowable for at least the same reasons.

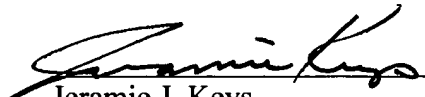
Conclusion

Applicants assert that the application including claims 1-19, 22, and 25 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees beyond are believed due as the request and fee for continued examination and a one month extension fee were previously submitted on July 14, 2004. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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